IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 6170 of 2005

Between:

B. Mallamma, W/o. T. Ramakrishna,
Jamespeta Village, Proddutur Mandal, Kadapa District.

..... PETITIONER

AND

1 The Joint Collector, Kadapa, Kadapa District.
2 The Mandal Revenue Officer, Proddutur, Kadapa District.

..... RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the natureof writ of mandamus declaring the impugned action of the 2nd respondent in not releasing the essential commodities stock to the petitioners Fair Price Shop of Jamespet Village, Proddutur Mandal, Kadapa District while the authorisation is subsisting as highly illegal, arbitrary and violative of Art. 14 of the Contitution of India and contrary to the provisons of A.P. Public Distribution Control Order, 2001 and pass such other order or orders.

Counsel for the Petitioner: MR.G.V.SHIVAJI

Counsel for the Respondents1 & 2: G.P. FOR CIVIL SUPPLIES

The Court at the stage of admission made the following

ORAL ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies appearing on behalf of the respondents 1 and 2.

2. The complaint of the petitioner is that without issuing any order, either order of cancellation or suspension pending enquiry, the stocks of the essential commodities have been seized and that the further stocks of the essential commodities to be distributed have not been released.

3. It is to be noted that so far no orders have been passed by the officials concerned. Any order of seizure, in normal course, should be affected, only after *prima facie* satisfaction of the competent authority that there were irregularities committed. But, what had happened in the present case is other wise. In other words, seizure was affected before and orders of suspension or cancellation are going to follow.

4. The learned Government Pleader for Civil Supplies submits that Section 6-A enquiry of the Essential Commodities Act is pending before the Joint Collector, Kadapa District. In which event, the petitioner is not entitled to have the release of the stocks of essential commodities, which were already seized from him. However, he is entitled to be distributed the stocks of essential commodities in future to the cardholders.

5. Accordingly, pending further orders, the respondents are directed to release the stocks of essential commodities in favour of the petitioner (other than the stocks, which are already seized from the petitioner), so long as the authorization of the petitioner is in subsistence and neither cancelled nor suspended, for distribution in future to the card holders.

6. It is made clear that if any further action is initiated, the petitioner is always at liberty to question the same, if aggrieved before appropriate forum.

7. With the above observation and direction, the writ petition is closed at the stage of admission.

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D.S.R.VARMA, J

23rd March, 2005

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ASSISTANT REGISTRAR

To

1 The Joint Collector, Kadapa, Kadapa District.
2 The Mandal Revenue Officer, Proddutur, Kadapa District.

3 Two CCs to G.P. for Civil Supplies, High Court Buildings, Hyderabad (OUT).

4. Two CD copies